

AMENDMENTS TO LB 578

(Amendments to AM573)

Introduced by Kruse, 13

1 1. Insert the following new section:

2 Sec. 3. Section 53-1,121, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 53-1,121 (1) City police, county sheriffs, officers of
5 the Nebraska State Patrol, and any other such law enforcement
6 officer with power to arrest for traffic violations may take a
7 person who is ~~intoxicated~~ under the influence of alcohol or drugs
8 and in the judgment of the officer dangerous to himself, herself,
9 or others, or who is otherwise incapacitated, from any public or
10 quasi-public property. An officer removing ~~an intoxicated~~ such a
11 person from public or quasi-public property shall make a reasonable
12 effort to take such ~~intoxicated~~ person to his or her home or to
13 place such person in any hospital, clinic, ~~alcoholism~~ substance
14 abuse center, or with a medical doctor as may be necessary to
15 preserve life or to prevent injury. Such effort at placement shall
16 be deemed reasonable if the officer contacts those facilities or
17 doctors which have previously represented a willingness to accept
18 and treat such individuals and which regularly do accept such
19 individuals. If such efforts are unsuccessful or are not feasible,
20 the officer may then place ~~such intoxicated person~~ the person who
21 is under the influence of alcohol or drugs in civil protective
22 custody. Civil ~~7~~ ~~except that~~ civil protective custody shall be used

1 only as long as is necessary to preserve life or to prevent injury₇
2 and, except as provided in subsection (2) of this section, for no
3 under no circumstances for longer than twenty-four hours.

4 (2) In counties in which the county board has adopted
5 a resolution stating that suitable facilities exist within the
6 county for the care and treatment of persons suffering from chronic
7 alcoholism or substance abuse, individuals who have been placed
8 in civil protective custody three or more times in the previous
9 month may be held in civil protective custody for up to seventy-two
10 hours if necessary to preserve life or prevent injury. A resolution
11 adopted pursuant to this subsection shall include a designation of
12 the specific facility or facilities to be used for seventy-two-hour
13 civil protective custody and specify the maximum number of patients
14 that can be served at any one time by each such facility.

15 ~~(3)~~ (3) The placement of such person in civil protective
16 custody shall be recorded at the facility or jail to which he or
17 she is delivered and communicated to his or her family or next of
18 kin, if they can be located, or to such person designated by the
19 person taken into civil protective custody.

20 ~~(3)~~ (4) The law enforcement officer who acts in
21 compliance with this section shall be deemed to be acting in the
22 course of his or her official duty and shall not be criminally or
23 civilly liable for such actions.

24 ~~(4)~~ (5) The taking of an individual into civil protective
25 custody under this section shall not be considered an arrest. No
26 entry or other record shall be made to indicate that the person has
27 been arrested or charged with a crime.

1 ~~(5)~~ (6) For purposes of this section: ~~7~~ public

2 (a) Public property ~~shall mean~~ means any public
3 right-of-way, street, highway, alley, park, or other state, county,
4 or municipally owned property; ~~and~~ -

5 ~~(6)~~ For the purposes of this section, ~~quasi-public~~
6 ~~property shall mean and include~~ (b) Quasi-public property means
7 and includes private property or publicly owned property utilized
8 for proprietary or business uses which invites patronage by the
9 public or which invites public ingress and egress.

10 2. Renumber the remaining section and amend the repealer
11 accordingly.